



RIO DELL CITY COUNCIL AGENDA
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, MAY 7, 2019
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME - *By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*



In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Assistance listening devices are now available for the hearing impaired. Please see the City Clerk for a receiver.

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:
 - 1) 2019/0507.01 – **Conference with Labor Negotiator**
Designated Representatives: City Manager Kyle Knopp and Finance Director Brooke Kerrigan
Employee Organizations: Rio Dell Police Officers Association, Rio Dell Employees Association and all Contract Employees (Pursuant to Gov't Code Section 54957.6)
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION – 5:30 P.M.
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

J. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

K. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Councilmembers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually following action on the remaining consent calendar items.

- 1) 2019/0507.02 - Approve Minutes of April 16, 2019 Regular Meeting
(ACTION) 1
- 2) 2019/0507.03 - Approve Resolution No. 1421-2019 Adopting a List of
Projects for FY 2019/20 Funded by SB-1, the Road Repair
and Accountability Act of 2017, rescinding Resolution
No. 1420- 2019 **(ACTION)** 10
- 3) 2019/0507.04 - Authorize the Mayor to sign a Letter of Opposition to AB
1356 related to Commercial Cannabis **(ACTION)** 14

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

M. REPORTS/STAFF COMMUNICATIONS

- 1) 2019/0507.05 - City Manager/Staff Update **(RECEIVE & FILE)** 16

N. SPECIAL PRESENTATIONS/STUDY SESSIONS

- 1) 2019/0507.06 - Presentation and Discussion on Draft Environmental
Impact Report (EIR) for the Terra Gen Wind Energy
Project **(RECEIVE & FILE)** 20
- 1) 2019/0507.07 - JJA, Inc. – Independent Auditor’s Report for FY 2018-19
(RECEIVE & FILE) 25

O. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

1) 2019/0507.08 - Approve Planning Commission Appointment to fill
one (1) unexpired term ending December 31, 2019
(DISCUSSION/POSSIBLE ACTION) 26

2) 2019/0507.09 - Provide Staff Direction related to Nuisance Hearing
Committee, Code and Nuisance Enforcement
(DISCUSSION/POSSIBLE ACTION) 34

P. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, May 21, 2019 at 6:30 p.m.*

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
APRIL 16, 2019**

The regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Pro Tem Woodall.

ROLL CALL: Present: Mayor Pro Tem Woodall, Councilmembers Richter, Strahan and Wilson

Absent: Mayor Garnes (excused)

Others Present: City Manager Knopp, Finance Director Kerrigan, Chief of Police Conner, Community Development Director Caldwell Water/Roadways Superintendent Jensen, Wastewater Superintendent Taylor and City Clerk Dunham

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Conference with Labor Negotiator – Designated Representatives: City Manager Kyle Knopp and Finance Director Brooke Kerrigan – Employee Organizations: Rio Dell Police Officers Association, Rio Dell Employees Association and all Contract Employees (Pursuant to Gov't Code Section 54957.6)

The City Council recessed into closed session at 5:30 p.m. with the City Manager and Finance Director.

The Council reconvened into open session at 6:30 p.m.

Mayor Pro Tem Woodall announced that there was nothing to report out of closed session.

PUBLIC PRESENTATIONS

Gordon Johnson, representative on HCAOG reported on the highlights of the Last Chance Grade stakeholders meeting in Crescent City on April 10th and said that the CTC approved \$40 million to go along with the \$10 million previously approved and said the letters of support from the stakeholders, cities and counties were instrumental in helping the CTC come to their decision to fund the project. He explained the funds would be used for PA and ED (project approval and environmental documents) noting that Caltrans will be hiring expert consultants to assist with the environmental document. He said that the plan is to proceed with phase 2 of 18 borings this summer and phase 3 in 2020 with 13 more. He commented that all of the equipment would be brought in by helicopter. Another thing they talked about was mitigation and lessons learned, using the example of the Willits By-Pass project where mitigation measures exceeded the cost of the project.

He reported that the next meeting is scheduled for November at such time Congressman Huffman will be hosting a public open house.

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Nick Angeloff commented that a portion of the environmental funding would likely end back up in Rio Dell as they sub-contracted with one of the local archeological firms to study the right-of-way and that he had put his name in the hat to assist with that work.

On behalf of the Chamber of Commerce, he announced the date for the next Chamber Mixer as May 3 and said that Root 101 would be introducing Hardcar to the community. He commented that Hardcar is a cannabis distribution company that is very well respected in the industry. He said that they have rented space from the Chamber for administrative purposes and as things in the cannabis industry move forward, they would like to see their business located in Rio Dell. He added that their business would draw people to the City and commerce related; it would generate tax revenue for the City.

He also informed the Council that the Little League schedule was not yet posted and that the Chamber did some marketing for the restaurants here and put all of them in the Avenue of the Giants pamphlet that goes out 60,000 wide from Ukiah to the Oregon border. He noted that the ad invited people to come to Rio Dell to see the Avenue of the Sculptures and visit the local restaurants and said that the Chamber paid for the advertising on behalf of the businesses.

CONSENT CALENDAR

Mayor Pro Tem Woodall asked if any councilmember, staff or member of the public, would like to remove any item from the consent calendar for separate discussion.

Councilmember Wilson removed Item #2, *Termination of Local Track and Trace Program (CalOrigin) related to Cannabis*.

Motion was made by Richter/Woodall to approve the consent calendar including approval of the Minutes of the April 2, 2019 regular meeting; and to receive and file the Check Register for March 2019. Motion carried 4-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve termination of Local Track and Trace Program (CalOrigin) related to Cannabis

Councilmember Wilson asked if the reason for terminating the track and trace program with CalOrigin was because it was not a workable plan.

City Manager Knopp explained that the City entered into an agreement for track and trace services with CalOrigin along with the cities of Eureka and Arcata, and the counties of Humboldt, Mendocino and Yolo in effort to integrate with the County's system and to help cover the gap in the state's delayed process of implementing the track and trace system (METRC) statewide. He noted that Rio Dell was one of the few cities that implemented a track and trace system ahead of the State system and the hope was that the State was going

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to implement the same system. Instead, they selected METRC as the state's track and trace system and commented that track and trace is the state's responsibility.

Councilmember Wilson asked if the City had collected fees in connection with the CalOrigin track and trace program.

City Manager Knopp commented that the City collected fees although most of the fees collected were pass-through to go into running the program. He indicated that the City retained 5 cents of the 7 cents collected for each stamp to cover the finance department's time to process the payments.

Councilmember Wilson asked if the City has any program in place now or is waiting for the State program to be implemented.

Community Development Director Caldwell explained that the City actually implements a separate program for track and trace and that track and trace was really developed with the cultivator in mind. He said that in his opinion there were a number of holes in the program because the City was "value added." He noted that staff developed a chain of custody form that they submit within five (5) days of the end of the previous month so staff can see if the inventory is coming in from a licensed farmer, how much inventory came in, and how much product was created from that inventory. With this, the City actually has something that provides better information than the track and trace program provides.

Councilmember Strahan asked for clarification that the City was not enrolled in the METRC track and trace program with the state and if the whole idea of the stamps was defunct and void.

Community Development Director Caldwell said that at this point, that is correct and said that the County of Humboldt cancelled their contract with CalOrigin (Sicpa) and is considering using it as a branding or marketing tool but don't believe they have reached a final agreement yet.

Councilmember Strahan asked if there was any follow up on the stamps.

Community Development Director Caldwell explained that once the produce leaves Rio Dell they are not required to follow track and trace because other jurisdictions do not have track and trace programs. He said once it hits the distributor it's not required to be tracked and traced. The program was used for Rio Dell's internal purposes to make sure what they provided on their inventory is what they had on site.

Motion was made by Wilson/Richter to approve termination of the local Track and Trace Program (CalOrigin) related to cannabis. Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided an overview of the Staff Update as presented and reported that staff had not received a response from the Bureau of Cannabis Control related to the cancellation of the Local Equity Grant Program Notice of Funding Availability (NOFA); the Danco project was shut down pending necessary permits from the Water Board; staff was in conversations with Terra Gen over possible impacts to the City from the project and exploring potential ways to mitigate the impacts; the RFP's for retail cannabis activities in the Town Center (TC) were released and on the City's website; and that staff was in the process of executing contracts for road work and was continuing work on the Local Hazard Mitigation Plan.

Mayor Pro Tem Woodall said that she was assuming that Danco was successful in getting the appropriate paperwork from the State to allow work to proceed.

Community Development Director Caldwell noted that they did get approval from the Regional Water Quality Control Board for their general permit.

Councilmember Strahan asked if the City's RHNA numbers were in yet and if staff had the exact numbers of low-income housing based on building permit data.

Community Development Director Caldwell explained that the numbers are not broken down in detail but there is a breakdown of the various categories in the current Housing Element.

Councilmember Strahan stated that she wanted to see those numbers to see how many low income units there are in the City. She asked if the Danco units were included in the RHNA numbers submitted and said when the RHNA numbers are submitted they are supposed to be based on building permit data.

Community Development Director Caldwell explained that the numbers as reported to HCAOG had not changed with the total housing RHNA allocation at 51.

Councilmember Strahan commented that Marcella, the Executive Director of HCAOG was looking for building permit data to establish RHNA numbers.

Community Development Director Caldwell clarified that RHNA numbers are not based on building permits but rather on jobs and population.

Councilmember Strahan asked if the building permit for the Danco project was issued.

Community Development Director Caldwell noted that they were only issued a permit for grading and the construction permit was pending.

Councilmember Strahan commented that those units would be reflected in the next RHNA allocation cycle.

Community Development Director Caldwell noted that they most likely would be.

SPECIAL PRESENTATIONS/STUDY SESSIONS

City Council Priority Setting Session Review

City Manager Knopp provided a summary of the outcome of the priority setting session held during the April 2, 2019 Council meeting. Of the broader topical areas, the areas of priority for the Council that garnered the most interest were items related to Public Safety, Economic Development and Public Works. He then reviewed the comparisons between the current priorities and the prior year priorities.

Mayor Pro Tem Woodall questioned *RHNA zoning issues under Community Development*.

Community Development Director Caldwell explained that the item had to do with Regional Housing Needs Allocation (RHNA) numbers.

Councilmember Wilson commented that he would like to see some sort of business recruitment for business development other than cannabis related business added to the priority list and asked for a consensus of the Council. He indicated that he spoke to Mayor Garnes and she agreed.

Councilmember Richter noted that it was a topic of interest to him but he could only list five (5) priorities as part of the priority setting session.

City Manager Knopp asked councilmembers if there was a particular item they wanted to remove so the top priorities remained at five (5).

Councilmember Strahan suggested including the business development program as an additional priority.

City Manager Knopp said that the Council could do that but that it would defeat the purpose of the priority setting exercise. He pointed out that there are many other priorities of importance.

Councilmember Strahan suggested combining the item with *Cannabis Retail Development*. Council concurred.

Mayor Pro Tem Woodall called for public comment.

Nick Angeloff said that diversification of the economy is important and commented that he just did a survey for a Frito-Lay client in McKinleyville so these different types of businesses are looking for locations here as the population grows and the local economy gets stronger. He noted that the Dollar General is proof that there is a larger market area for these businesses than just Rio Dell.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Planning Commission Appointment to fill one (1) unexpired term ending December 31, 2019

City Clerk Dunham provided a staff report and explained that there is one vacancy on the Rio Dell Planning Commission for the remainder of the term ending December 31, 2019. She noted that two (2) applications were received, one from John McManus and one from Jacqui Wilson. She noted that both applicants were present to provide a short introduction/presentation about their background. Following the introductions and questions from the Council, Councilmembers would then be asked to vote for the applicant of their choice.

John McManus introduced himself to the Council as the Executive Director of Alcohol Drug Care Services, Inc. as well as Waterfront Recovery Services and current executive committee member of the Humboldt Housing and Homeless Coalition. He noted that he also has 20 years of experience in project development and extensive experience with nonprofits and grant writing.

He pointed out that he ran for City Council during the last election but was unsuccessful and would like the opportunity to serve on the Planning Commission and contribute to the City anyway he can.

Mayor Pro Tem Woodall asked him where he envisions Rio Dell going.

Mr. McManus noted that being someone who is involved in providing drug rehabilitation and treatment, cannabis bothers him due to some of the damaging effects it can cause. He said that the fact is that cannabis is here so sound and safe practices need to be incorporated into the regulations. He added that he is a strong believer of helping people and the City needs to be smart as to who and where businesses go. He said whether the focus for Rio Dell is a logging town with facades on the downtown businesses or something else, a plan needs to be developed to generate revenue for the City.

Jacqui Wilson addressed the Council and said that her education is in public administration and that she has lived in the area for the past 20 years and purchased her home here four (4)

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years ago. She commented that she has actively attended City Council meetings and voiced her opinion on various subjects. She said that she would like to serve on the Planning Commission and help the community. She indicated that she spent a majority of her life in a small town in the Silicon Valley much like Rio Dell and witnessed the good and the bad. She said that she would like to participate in the development of Rio Dell so the same downfalls do not occur in Rio Dell that occurred in Silicon Valley.

Mayor Pro Tem Woodall asked Ms. Wilson where she envisions Rio Dell going.

Ms. Wilson said that she has seen some strong opinions regarding the cannabis industry and she thinks that the City should take things slowly and think carefully regarding the establishment of retail cannabis businesses in the downtown.

City Clerk Dunham provided Councilmembers with ballots and they were asked to vote for the applicant of their choice.

The results were as follows:

- | | | |
|-------------------------|---|---------------|
| • Mayor Pro Tem Woodall | - | John McManus |
| • Councilmember Richter | - | John McManus |
| • Councilmember Strahan | - | Jacqui Wilson |
| • Councilmember Wilson | - | Jacqui Wilson |

There being a tie vote, a revote was held. The results were the same for the revote. A third revote was then conducted with no change in the results. As such, the item was continued to the next regular meeting pursuant to Resolution No. 1127-2011.

Discussion of Budget Calendar for FY 2019-2020 Capital and Operating Budget

City Manager Knopp requested councilmembers review the budget calendar in the event of any personal schedule changes.

Mayor Pro Tem Woodall indicated that she would not be available from May 19-29.

Councilmember Strahan said that she also had some prior commitments during that time.

City Manager Knopp pointed out that the recommended budget would be presented to the Council at the May 21, 2019 regular meeting but no action would be required so it was not necessary for there to be a full council present.

Councilmember Wilson announced that after May 2, 2019 his shift would be changing so he would be working until 5:30 p.m. As such, he would not be available for any 4:00 p.m. meetings.

Likewise, Councilmember Richter said that he would be working in Willow Creek so would be unable to make any of the early meetings.

City Manager Knopp noted that he would try to coordinate with individual councilmembers and send out an email with an updated budget calendar.

Councilmember Wilson asked when Finance Director Kerrigan would be leaving.

Finance Director Kerrigan noted that her last official day was scheduled for May 10, 2019 but that she would be available on May 14 if needed.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Richter announced that he would be moving out of Rio Dell and therefore resigning from the Council sometime between June and August. He indicated that the exact date was unknown at this time.

Councilmember Wilson reported on his attendance at Humboldt Waste Management Authority (HWMA) and said that the next meeting would be held on Wednesday to discuss the budget because the executive director was sick.

Councilmember Strahan reported on her attendance at the Humboldt-Del Norte Hazardous Materials Response Authority meeting and had nothing noteworthy to report.

Mayor Pro Tem Woodall said that she received a call from Winifred Park concerning a memorial donation of trees the TOPS club would like to make to the City. She said that the TOPS club has been active in Rio Dell for over 50 years and that there are a number of past members that have passed away. The donation of trees would be in their memory and said some the members who have passed are William Parks, Mary Miranda, Lorraine Miranda, Marilyn Boling and Elsie Todd. She said that they would like to donate flowering trees like those in the median and said that she would like to see the City make that possible.

She also said that she would be planting flowers at City Hall and throughout town again this year. In addition, she would be doing some weeding at the downtown City Parking Lot and asked if it would be possible for the City to replace the redwood chips by the city bulletin board.

ADJOURNMENT

Motion was made by Richter/Strahan to adjourn the meeting at 7:22 p.m. to the May 7, 2019 regular meeting. Motion carried 4-0.

Julie Woodall, Mayor Pro Tem

Attest:


Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)



**City of Rio Dell
Staff Report
City Council Agenda
May 7, 2019**

To: Members of the City Council

From: Brooke Kerrigan, Finance Director 

Through: Kyle Knopp, City Manager

Date: May 7, 2019

Subject: Approval of Resolution No. 1421-2019 Rescinding Resolution 1420-2019 and Adopting a List of Projects for FY 2019/20 Funded by SB1 – The Road Repair and Accountability Act of 2017

RECOMMENDATION

Approve Resolution 1421-2019 and rescind Resolution 1420-2019 Adopting a List of Projects for FY 2019/20 Funded by SB1 – The Road Repair and Accountability Act of 2017.

BACKGROUND AND DISCUSSION

On April 16, 2019 the City Council approved Resolution 1420-2019 approving a list of projects to be funded through SB1. Resolution 1420-2019 is being rescinded because language didn't meet the minimum requirements per the California Transportation Commission (CTC) statute. The amount estimated from SB1 funds for fiscal year 2019-20 for the City of Rio Dell is \$55,746. The list of projects and funding amounts remain unchanged; however because of the CTC minimum requirements the Resolution must include a description, the location, useful life, and schedule of projects, and maintenance and repairs. The new Resolution includes all of these requirements.

SB1 funding was signed into law in 2017 and created a new funding source for local street and road maintenance known as the Road Maintenance and Rehabilitation Account (RMRA). The funds are collected through registration fees and fuel taxes.

SB 1 provides the first significant, stable, and ongoing increase in state transportation funding in more than two decades. This important legislation

invests \$5.4 billion annually to fix roads, freeways and bridges in communities across California and puts more dollars toward transit and safety. It will address a backlog of repairs and upgrades, while ensuring a cleaner and more sustainable travel network for the future. These funds will be split equally between state and local investments.

www.ctc.ca.gov

The City's streets funds reserves have been declining for a number of years. Funding scarcity is furthered by the fact that State sources of funds for asphalt rehabilitation have been diminishing and becoming more competitive. New RMRA funds return the streets department to pre-2013/14 revenue levels. Revenues have declined due to new technologies and better fuel efficiencies.

The City must annually adopt a project list by Resolution in order to remain eligible for funding. This step is also meant to allow for full transparency and accountability to ensure the public has full access to information on how their tax dollars are being invested. The new guidelines require the list be submitted to the California Transportation Commission (CTC) by May 1 of each year; however due to Resolution 1420-2019, the previously adopted list of projects was incomplete per California Department of Transportation's minimum standards, the date has been extended until June 1, 2019.

Historically, major road rehabilitation projects for the City have been accomplished via grants for Wildwood Avenue, or statewide funding allocations from various propositions or acts of the Legislature for "recent" pavement jobs such as Chase Avenue (TCRF). The City submitted a road tax and bond proposal in June and November of 2012: These efforts failed to garner the necessary two-thirds super majority and failed (Measure X – 55.61% Yes; Measure – 62.7% Yes).

The only recent pavement rehabilitation work done that did not utilize state sources of funding was work on Davis Street, Belleview Avenue, and Monument Road completed in FY 2016/17. Slurry sealing in FY 2017/18 utilized general fund dollars made possible by the Measure U Sales Tax. General fund dollars are included in the budget for additional slurry sealing in FY 2018/19, and the proposed budget for FY 2019/20.

The City continues to draw down grant dollars today in order to accomplish major improvements such as the Active Transportation Program (ATP) project set to be completed in 2020/21.

ATTACHMENTS

- Resolution 1421-2019



**RESOLUTION NO. 1421-2019
RESCINDING RESOLUTION 1420-2019
&
ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 FUNDED BY
SB 1 – THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, The City adopted Resolution No. 1420-2019 approving SB1 Funding for fiscal year 2019/20; and

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of Rio Dell are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, Rio Dell must adopt a list of all projects proposed, including general repairs and maintenance, to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1 by resolution, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, Rio Dell will receive an estimated \$55,746 in RMRA funding in Fiscal Year 2019-20 from SB 1; and

WHEREAS, this is the third year in which Rio Dell is receiving SB 1 funding and will enable Rio Dell to continue essential road maintenance and rehabilitation projects that would not have otherwise been possible without SB 1 ; and

WHEREAS, Rio Dell has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, Rio Dell's development of the SB 1 project list was undertaken to ensure revenues are being used on the most high-priority and cost-effective maintenance needs that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help Rio Dell maintain and rehabilitate City streets and roads throughout Rio Dell this year and similar activities into the future; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment found that Humboldt County's streets and roads are in "at-risk" condition and this revenue will help the

City of Rio Dell increase the overall quality of our road system and over the next decade assist our streets and roads with additional maintenance and repairs; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety will have significant positive co-benefits statewide.

NOW, THEREFORE IT BE RESOLVED, that the City of Rio Dell City Council does hereby rescind Resolution 1420-2019 and adopts Resolution 1421-2019 approving a list of SB1 funded projects showing the required components of description (1), location (2), useful life (3), and schedule (4).

- 1) The fiscal year 2019-20 list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include: Procurement of Public Works Equipment, Procurement of Road Maintenance and Rehab Materials, Public Works Staffing, Repair and Servicing of Public Works Equipment
- 2) The fiscal year 2019-20 list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include locations of Eeloa to Riverside, including Fern Street., Northwestern Ave., Ogle and Belleview Ave., Wildwood Ave., Davis Street, Painter Street, First, Second, Third, and Fourth Avenues including side streets of Elko, Dixie, and Columbus
- 3) The estimated useful life of the projects and maintenance and repairs listed above is one to five years.
- 4) The schedule shall begin July 1, 2019 and completion will be June 30, 2020

PASSED AND ADOPTED by the City Council of the Rio Dell on this 7th day of May, 2019 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Debra Garnes, Mayor

ATTEST:

Karen Dunham, City Clerk

*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
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cityofriodell.ca.gov*



May 7, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the Mayor to Sign a Letter of Opposition to AB 1356 Related to Commercial Cannabis

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff, if any.

BACKGROUND AND DISCUSSION

In 2015, the California Legislature created a regulatory framework for medical cannabis, more than a year prior to the enactment of Proposition 64. That legislatively-enacted framework serves as the basis of the regulatory structure provided for in the adult-use scheme. In the construction of both frameworks, the crafters recognized the need for local control, primarily as part of cities' and counties' land use authority. In crafting Proposition 64, stakeholders took note of and purposely avoided a local control model that ties the ability to permit commercial cannabis to the level of the 'yes' vote a city or county received in a statewide election.

Under this bill, if more than 50 percent of the voters of a local jurisdiction voted in favor of Proposition 64, these local jurisdictions would be required to adopt a local licensing structure for retail commercial cannabis activity. More specifically, AB 1356 requires these cities to issue a minimum of one retail cannabis license for every four liquor licenses.

AB 1356 erodes the local regulatory authority of cities and counties on commercial cannabis, and thereby subverts the intent of the voters who approved Proposition 64.

///

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675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
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May 7, 2019

The Honorable Lorena Gonzalez
Chair, Assembly Committee on Appropriations
State Capitol Building, Room 5050
Sacramento, CA 95814

RE: AB 1356 (Ting) Cannabis: Local Jurisdiction: Retail Commercial Cannabis Activity
Notice of OPPOSITION (as Amended 4/30/19)

Dear Assemblymember Gonzalez:

The City of Rio Dell respectfully opposes AB 1356 (Ting). Under this bill, if more than 50 percent of the voters of a local jurisdiction voted in favor of Proposition 64, these local jurisdictions would be required to issue a minimum number of licenses authorizing retail cannabis activity within that jurisdiction. More specifically, the bill requires these cities to issue a minimum of one retail cannabis license for every four liquor licenses, or one retail cannabis license for every 10,000 residents.

Existing law, under both the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and Proposition 64, states that local jurisdictions have the ability to adopt and enforce local ordinances to regulate cannabis businesses. By removing local governments' ability to regulate brick and mortar retail cannabis shops, AB 1356 undermines the very foundation of local control and thereby negates the primary purpose of California's established dual licensing structure.

With regard to the measure's mandated 1-to-4 ratio, there is simply no nexus between a city's regulation of citizens' access to retail commercial cannabis and the number of liquor establishments within a community. By requiring such a ratio, AB 1356 proposes an arbitrary land use standard for individual cities and counties based on the results of a statewide ballot measure.

In seeking to eliminate locals' authority to ban or regulate retail commercial cannabis businesses, AB 1356 would ultimately strip cities and counties of the ability to decide what is appropriate for their communities—a premise that directly contravenes the framework understood by the voters when approving Proposition 64.

For these reasons, the City of Rio Dell opposes AB 1356.

Sincerely,

Debra Garnes
Mayor
City of Rio Dell

cc. Senator McGuire & Assembly Member Wood
Sara Sanders, LoCC
cityletters@cacities.org



Staff Update – 2019-05-07

City Council

The May 7, 2019 meeting will be the first run of the new video/audio recording system. If all goes well, the meeting will be broadcast live. Please remember to speak into your microphone.

City Manager

Employment Development Department has provided Rio Dell's historical unemployment figures which have gone from one of the highest levels in the county to now amongst the lowest levels in the county. (see attachment)

The City is currently advertising for the Finance Director position.

Submitted Local Hazard Mitigation Plan paperwork.

Discussions with potential help for next year's CDBG application.

Final construction preparation for street asphalt work and habitat parcel. Both projects are underway prior to agenda item submittal, however both should be completed by the Tuesday Council meeting.

Metal artist Dan McCauley will be replacing the owl sculpture with one of an Ibex Ram on Friday, May 17, 2019.

CM has been having some discussions over potential modifications to the City's Cell Phone tower lease agreement with T-Mobile.

City Clerk

It's been a busy past couple of weeks in the permit department. Processed fifteen (15) Building Permits.

- 1) 270 Monument Road – Eight (8) New Windows
- 2) 111 Spring St. – Nine (9) New Windows
- 3) 278 Wildwood Ave. – Sewer Lateral and Cleanout
- 4) 175 Ogle Ave. – Bedroom Addition
- 5) 645 Gunnerson Lane – Residential Remodel
- 6) 432 Davis St. – Demolition of Unpermitted Addition
- 7) 166 Spring St. – PV Solar System
- 8) 353 First Ave. – Reinstate Electrical
- 9) 789 Pacific Ave. – Re-Roof Residence
- 10) 1111 Rio Vista Lane – Re-Roof Residence
- 11) 395 Cherry Lane – Re-Roof Residence and Garage
- 12) 250 Stream St. - Attached Garage



- 13) 440 Second Ave. – Replace Siding
- 14) 715 Wildwood Ave. – 715 Wildwood Ave. (Library ADA Improvements)
- 15) 859 Rio Dell Ave. – Sewer Cleanouts

Processed two (2) Business License Applications:

- 1) Veteran Pipeline Construction – Non-Resident Contractor
- 2) Jim & Randi Savage – Vacation Rental Unit – 432 Davis St.

Processed four (4) Encroachment Permit Applications:

- 1) PG&E – Installation of gas and electric utilities at Rio Dell Mobilehome Park
- 2) Wendt Construction – Install 2 inch water service at 1053 Northwestern Ave.
- 3) Wendt Construction – Install sewer cleanouts at 859 Rio Dell Ave.
- 4) PG&E – Replacement of pole and anchor at 419 Monument Road.

Submitted ordinances to Code Publishing for annual update of Rio Dell Municipal Code.

Met with Access Humboldt and coordinated installation of camera equipment for recording City Council meetings.

City Attorney

Human Resources, Risk & Training

Finance Department

Public Works Water

Water / Utilities

- 7 Water leaks and Repairs
- Paving project with Mercer Frasier
- City Mowing and upkeep.
- H4H Habitat For Humanities sidewalk project
- Lead and Copper testing completed at School
- General city maintenance
- Assisting with Access Humboldt project at City Hall.

Public Works Wastewater

Waste water/ Collections.

- Working with State on the TSO for Disinfection By Product.
- Plant Wash down and Headworks Service water Repairs.
- 4 Sewer Lateral inspection.
- 1 Sewer main connection 245 1st Ave.



- Irrigation Field preparation.
- Changing Discharge location from EEF-001 (River) to EFF-003 (Irrigation Field) the week of May 6.
- Discovered a protruding lateral on monument planning the Repair
- Fire Extinguisher training and recertification of Extinguishers (City Wide)

Public Works Streets, Buildings and Grounds

Public Works City Engineer

Public Works Capital Projects

Police Department

Community Development Department

Plan Check Keller review and approve corrected plans.

Inspection 353 First Avenue, need to resolve unpermitted accessory buildings.

Prepare Housing Element Staff Report for PC.

Continue work on the Housing Element, including land inventory and constraints, rental housing affordability. Contact HCD for direction.

Meeting with Randy Hoisington regarding development of Mozzeti ranch.

Meeting with principals from Litica labs regarding temporary location in the City.

Plan Check review and approval for solar system 166 Spring Street.

Respond to multiple inquiries regarding cannabis sales.

Inspection 56 North Street.

Inspection 434 Davis Street, Vacation Dwelling Unit.

Meeting with Jim Davis regarding Vacation Dwelling units and other operating without permits. Emailed two owners and PD to follow-up with letters to others.

Review and purge Building Permits. Send letters, emails regarding permits expiring.

Inspection Wendt Construction for footings

Review Fiedler file and 1965 County Road Log, Caltrans survey and forward information to Baird Engineering.



Correspondence with DTSC (Tom Lanphar) regarding Eel River Sawmill site and the RWQCB (Paul Nelson) regarding 255 Wildwood Avenue.

Final Inspection 585 Rigby Avenue metal building.

Intergovernmental

Humboldt-Rio Dell Business Park



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

May 7, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Presentation and Discussion on Draft Environmental Impact Report for the Terra Gen Wind Energy Project

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff, if any.

BACKGROUND AND DISCUSSION

Representatives from the County of Humboldt and LACO Associates will provide an overview of the recently released Draft Environmental Impact Report for the proposed wind energy project.

The proposed project consists of a maximum of 60 wind turbine generators (WTGs) and associated infrastructure with a nameplate generating capacity (theoretical maximum energy generation) of up to 155 MW. The project site represents an approximately 2,218-acre area study corridor within which the WTGs and associated infrastructure would be placed.

The project boundaries have been defined based on a 1,000-foot-wide corridor centered on the representative locations of WTGs; a 200-foot-wide corridor centered on project roadways, the electrical collection line, and the generation transmission line (gen-tie); and a 500-foot-wide buffer around proposed staging areas, temporary impact areas, and the project substation. The exact footprint of individual WTGs within the project site would be determined during final engineering design but would generally be placed along Monument and Bear River ridges. Turbine heights could reach up to 600 feet tall, with a rotor diameter of 492 feet.

In addition to the wind turbines and transformers, the project includes ancillary facilities such as temporary staging areas, access roads, 34.5-kilovolt (kV) collection lines (referred to in this EIR as the "collection system"), operations and maintenance (O&M) facility, a substation, a modified utility switchyard, and a 115 kV gen-tie along Shively Ridge. A portion of the gen-tie would cross the Eel River; this portion would be constructed underground. The project's point of interconnection with the Pacific Gas and Electric Company (PG&E) transmission grid would be PG&E's Bridgeville Substation

The project would include the following components:

- ▶ up to 60 turbines (capable of generating 2–5 MW of electricity each) erected on tubular steel towers set on concrete foundations, as well as the associated turbine pads, temporary staging areas, and transformers;
- ▶ construction of access roads;
- ▶ an up to 25-mile, 115 kV gen-tie, including an underground crossing of the Eel River, following Shively Ridge and ultimately connecting to the existing PG&E transmission system;
- ▶ a project substation located on-site;
- ▶ an underground electrical collection system linking turbines to each other and to the project substation;
- ▶ an underground communication system (fiber optic cable) adjacent to the collection system;
- ▶ a Supervisory Control and Data Acquisition (SCADA) system between each turbine and the substation and between the project substation and the Bridgeville Substation to monitor and control project output and the transmission of energy into the system;
- ▶ an up to 5-acre O&M facility, including an operations building, a parking area, and an outdoor storage area with perimeter fencing;
- ▶ a 10-acre temporary staging area and a construction trailer and parking area located within the O&M facility;
- ▶ a component offloading location at Fields Landing;
- ▶ two temporary bypasses off U.S. 101 (Hookton Overpass and 12th Street Bypass) for transporting oversize loads;
- ▶ up to six permanent meteorological towers;
- ▶ three 5-acre, temporary staging areas distributed throughout the project site, one of which would include one temporary cement batch plant on Monument Ridge; and
- ▶ up to 17 miles of new 24-foot access roads.

Lead Agency: Humboldt County Planning and Building Department

Direct Comments to:

Humboldt Wind Project Planner
 County of Humboldt Planning and Building Department, Planning Division
 3015 H Street,
 Eureka, CA 95501
CEQAResponses@co.humboldt.ca.us

If comments are provided via e-mail, please include the project title in the subject line, attach comments in Microsoft Word format, and include the commenter's U.S. Postal Service mailing address.

Review Period:

Comments on the DIER will be accepted between April 15, 2019 and June 5, 2019.

Public Hearing:

Humboldt County Planning Commission
To be scheduled, Humboldt County Courthouse

The Draft EIR is available online at <https://humboldt.gov/2408/Humboldt-Wind-Energy-Project>

///

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2018072076

Project Title: Humboldt Wind Energy ProjectLead Agency: County of Humboldt Planning DivisionContact Person: Steve WernerMailing Address: 3015 H StreetPhone: 707-445-7541City: EurekaZip: 95501County: HumboldtProject Location: County: HumboldtCity/Nearest Community: Scotia

Cross Streets: _____

Zip Code: 95565Longitude/Latitude (degrees, minutes and seconds): _____ " N / _____ " W Total Acres: 2,218Assessor's Parcel No.: Multiple

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: U.S. Hwy 101Waterways: Eel River, Van Duzen RiverAirports: n/aRailways: n/aSchools: n/a**Document Type:**CEQA: ☐ NOP☐ Early Cons☐ Neg Dec☐ Mit Neg Dec☒ Draft EIR☐ Supplement/Subsequent EIR

(Prior SCH No.) _____

Other: _____

NEPA: ☐ NOI☐ EA☐ Draft EIS☐ FONSIOther: ☐ Joint Document☐ Final Document

Other: _____

Local Action Type:☐ General Plan Update☐ General Plan Amendment☐ General Plan Element☐ Community Plan☐ Specific Plan☐ Master Plan☐ Planned Unit Development☐ Site Plan☐ Regional☐ Prezone☒ Use Permit☐ Land Division (Subdivision, etc.)☐ Annexation☐ Redevelopment☐ Coastal Permit☐ Other: _____**Development Type:**☐ Residential: Units _____

Acres _____

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☐ Commercial: Sq.ft. _____

Acres _____

Employees _____

☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Educational: _____☐ Recreational: _____☐ Water Facilities: Type _____

MGD _____

☐ Transportation: Type _____☐ Mining: Mineral _____☒ Power: Type Wind Energy MW 155☐ Waste Treatment: Type _____ MGD _____☐ Hazardous Waste: Type _____

Other: _____

Project Issues Discussed in Document:☒ Aesthetic/Visual☒ Agricultural Land☒ Air Quality☒ Archeological/Historical☒ Biological Resources☒ Coastal Zone☐ Drainage/Absorption☐ Economic/Jobs☐ Fiscal☐ Flood Plain/Flooding☒ Forest Land/Fire Hazard☒ Geologic/Seismic☐ Minerals☒ Noise☐ Population/Housing Balance☐ Public Services/Facilities☐ Recreation/Parks☐ Schools/Universities☐ Septic Systems☐ Sewer Capacity☒ Soil Erosion/Compaction/Grading☐ Solid Waste☒ Toxic/Hazardous☒ Traffic/Circulation☒ Vegetation☒ Water Quality☒ Water Supply/Groundwater☐ Wetland/Riparian☐ Growth Inducement☐ Land Use☒ Cumulative Effects

Other: _____

Present Land Use/Zoning/General Plan Designation:Land use: Timberland with Industrial, Agricultural Grazing Zoning: Agricultural Exclusive and Timber Production Zone

Project Description: (please use a separate page if necessary)

See Attached

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input checked="" type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans District #1	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB #1
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input checked="" type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input checked="" type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region #1	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input checked="" type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	
<input type="checkbox"/> Health Services, Department of	Other: _____
<input type="checkbox"/> Housing & Community Development	Other: _____
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date April 15, 2019 Ending Date June 5, 2019

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Humboldt Wind, LLC</u>
Address: _____	Address: <u>11455 El Camino Real, Suite 160</u>
City/State/Zip: _____	City/State/Zip: <u>San Diego, CA 92130</u>
Contact: _____	Phone: <u>210-831-5144</u>
Phone: _____	

Signature of Lead Agency Representative: [Signature] Date: 4/11/19

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
May 7, 2019**

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager

FROM: Brooke Kerrigan, Finance Director 

DATE: May 7, 2019

SUBJECT: Fiscal Year 2017/18 Audited Financial Statements

Recommendation

Receive presentation by JJA CPA, Inc. on the City's audited financial statements and accompanying information.

BACKGROUND AND DISCUSSION

Each year an independent auditing firm audits and prepares financial statements for the City of Rio Dell in accordance with Generally Accepted Accounting Standards (GAAP) and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that an audit be performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

The City received an unqualified opinion and no material weaknesses were identified. An unqualified opinion means that the auditor has concluded the financial statements present fairly the results of the City's operations and its financial position according to generally accepted accounting principles. A material weakness is one or more deficiencies in internal control where a reasonable possibility exists that a material misstatement will not be prevented, detected, or corrected in a timely manner. The auditor found no such weaknesses.

The auditing firm of JJA CPA, Inc. will present to Council the Fiscal year 2017/18 audited Financial Statements and accompanying information.



*675 Wildwood Avenue
Rio Dell, CA 95562*

TO: Rio Dell City Council

THROUGH: Kyle Knopp, City Manager

FROM: Karen Dunham, City Clerk

DATE: May 7, 2019

SUBJECT: Appointment of Planning Commissioner

RECOMMENDATION

Re-vote to appoint one (1) of the applicants to the Rio Dell Planning Commission to fill the unexpired term ending December 31, 2019, in accordance with the procedures outlined in Resolution No. 1127-2011.

BACKGROUND AND DISCUSSION

This item is returning to the Council from the April 16, 2019 regular meeting for a re-vote for the appointment of Planning Commissioner. Both of the candidates, John McManus and Jacqui Wilson were present at the meeting and provided brief presentations to the Council followed by questions from Councilmembers.

There were only four (4) Councilmembers present and the vote resulted in a tie. In accordance with Resolution 1127-2011, when a tie vote occurs, the item is continued to the next regular or special meeting. The Council can re-vote up to two (2) more times and in the event there is still a tie vote, the Council will declare a deadlock and reopen the application process. Provided there is a full Council present, the possibility of a tie vote is eliminated so the candidate receiving the majority vote would be selected to fill the vacant seat on the Commission.

With approval of the appointment, the Commissioner would be sworn in at the next regular or special Planning Commission meeting.

ATTACHMENTS:

Applications for Planning Commission Appointment
Resolution No. 1127-2011



**CITY OF RIO DELL
APPLICATION FOR
PLANNING COMMISSION APPOINTMENT**

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

PERSONAL DATA:

Name: John B McManus
Address Where you Reside: 470 Willwood Ave Rio Dell, CA
Mailing Address (if different): Same as above
Home Phone: Cell Phone: (707) 498-4146
Email Address: j.bernard 9910@gmail.com

EDUCATIONAL DATA:

High School: Ferris High School
College/University: CR, HSC, Breining

EMPLOYMENT DATA:

Current Employer/Occupation When Employed: Alcohol Drug Care Services, Inc.
Waterfront Recovery Services

GENERAL INFORMATION:

Do you currently serve on a City Board or Commission? _____ Yes ☒ No

If yes, please list: _____

Please list any past or present community involvement: Former Chair
and current executive committee member
of the Humboldt ~~Homeless~~ Housing +
Homeless Coalition.

Board President of CAPE

Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community: I have

Rio Dell and am interested in
serving and contributing to the
City in any way I can. I have
extensive nonprofit, grant writing, and
program development experience and
feel that I would be an asset.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. _____ Yes ☒ No

If yes, please explain:

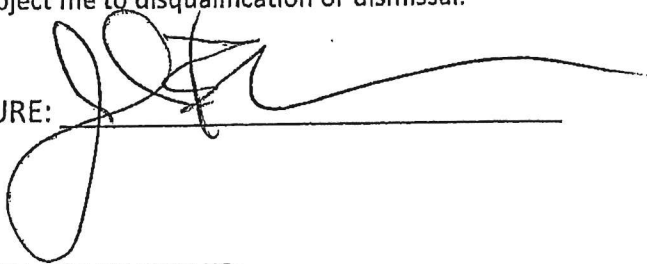
CERTIFICATE OF APPLICANT:

I certify that: 1) I permanently reside within the City limits of the City of Rio Dell; and 2) all statements made in this application are true and complete. I understand that any false statement or omission of material facts will subject me to disqualification or dismissal.

DATE:

4/10/2019

SIGNATURE:

A handwritten signature in black ink, consisting of a large loop followed by a series of smaller loops and a long horizontal stroke extending to the right.

RETURN COMPLETED APPLICATION TO:

Karen Dunham, City Clerk

675 Wildwood Avenue

Rio Dell, CA 95562

Phone: 764-3532

admin1@riodelcity.com



**CITY OF RIO DELL
APPLICATION FOR
PLANNING COMMISSION APPOINTMENT**

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

PERSONAL DATA:

Name: Jaquie Wilson

Address Where you Reside: 133 2nd Avenue, Rio Dell, CA 95562

Mailing Address (if different): na

Home Phone: na Cell Phone: 408-438-1363

Email Address: jaquiewilson7@gmail.com

EDUCATIONAL DATA:

High School: Los Gatos

College/University: highest Master of Public Administration,
San Francisco University

EMPLOYMENT DATA:

Current Employer/Occupation When Employed: Referrals Coordinator
Redwoods Rural Health Center
Redway, CA

GENERAL INFORMATION:

Do you currently serve on a City Board or Commission? _____ Yes ☒ No

If yes, please list: _____

Please list any past or present community involvement: Actively attend
city council meetings. I built a modular
home in Rio Dell, CA,

Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community: _____

I am interested in the appointment as I
would like to help the community.
I can offer insight in town growth as I
have experienced it previously.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. _____ Yes ☒ No

If yes, please explain:

RESOLUTION NO. 1127-2011
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIO DELL PROVIDING A PROCEDURE FOR
APPOINTMENTS BY THE CITY COUNCIL
FOR VACANT POSITIONS ON THE CITY
COUNCIL AND COMMISSIONS

WHEREAS, the City Council is authorized under RDMC Section 2.55 to establish and by a majority vote appoint individuals to commissions, boards and committees; and

WHEREAS, City Council desires to use the same system to select the Mayor and Mayor Pro Tempore as is used to appoint individuals to commissions, boards and committees; and

WHEREAS, when vacancies occur on the City Council and Commissions, the City Council will vote to appoint replacements for the duration of the term (or for a full term when an election is planned and less candidates file than the number of seats that will become vacant); and

WHEREAS, the City Council desires that a set of procedures be in place to formally guide the voting process;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell that:

1. Upon notice of a vacancy, an application time period shall be designated whereby interested applicants may complete an application to fill the vacant seat.
2. Names of all qualified applicants shall be placed in nomination for the vacant Seat.
3. All Councilmembers shall be considered nominated for Mayor and Mayor Pro Tempore (with the exception of the newly appointed Mayor). Any Councilmember may decline nomination for Mayor or Mayor Pro-Tempore.
4. Applicants shall be given an opportunity to make a short presentation to the Council at a public meeting.
5. At a City Council meeting where the vacancy is agenized, each Councilmember will write the name of the applicant of their choice, and sign their ballot.
6. The ballots will be passed to the City Clerk to be counted and announced by name and for whom they voted.
7. If an applicant receives 3 or more votes, that candidate is chosen for the vacancy. Otherwise, there will be a runoff ballot between the top 2 applicants. Applicants receiving 2 votes will be placed in the runoff, and a separate vote shall be held for those receiving 1 vote if only 1 applicant has 2 votes (i.e. 2,1,1,1).

7. In the case of ties, a revote will be held.
8. After 3 ties, the Council will declare that the item be continued and placed on the next regular agenda.
9. At the next regular or special council meeting where the continued item is agendized, the Council shall re-vote up to 2 more times in the same manner as described above. In the event there is still a tie vote, the Council will declare a deadlock and reopen the application process.

BE IT FURTHER RESOLVED, that the procedure for establishing a system for City Council appointments to commissions, boards and committees and procedures for the selection of Mayor and Mayor Pro Tempore as described in Resolution Nos. 416, 625, 700, and 822-1-2002 are hereby repealed and replaced with the procedure described above.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 6th day of September, 2011 by the following vote:

AYES:	Woodall, Leonard, Marks, Thompson, Wilson
NOES:	None
ABSENT:	None
ABSTAIN:	None

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov*

May 7, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion on Nuisance Hearing Committee, Code and Nuisance Enforcement

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Direct staff to return to the Council with amendments to city ordinance to create a “Nuisance Advisory Committee”

Provide alternate direction to staff, if any.

BACKGROUND AND DISCUSSION

Mayor Garnes requested that this item be agendaized for discussion. On April 16, 2019 the City Council of the City of Rio Dell identified Code Enforcement as its top priority for FY 2019-2020.

Current city ordinance calls for a “Nuisance Hearing Committee” (NHC) to hear appeals on violation determinations as well as penalties for nuisances or other code violations. Under existing city ordinance, NHC determinations are considered final and binding and are not appealable to the City Council. To date no violation has ever been appealed to the NHC. However, the NHC has met irregularly for several years to receive updates from staff on various code enforcement activities, becoming referred to as simply the “Nuisance Committee.”

Staff recommends modifications to the existing ordinance to better reflect the desire for a code enforcement oversight and advisory function. This can be accomplished through the creation of a separate “Nuisance Advisory Committee” or other similarly named committee with the basic function of overseeing code enforcement activities, assistance with priority setting and making recommendations to staff and the Council for improvements to the process.

///

2.55.060 Nuisance Hearing Committee.

Hearing Committee. The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee is responsible to hear appeals regarding the determination of a violation and nuisance or the imposition of an administrative penalty. The Hearing Committee shall consist of two members of the City Council, two members of the public who are residents of the City and the City Manager, plus one alternate City Council member to facilitate timely hearings pursuant to this chapter and resolve any potential conflicts of interest. The alternate City Council member shall only participate in appeals where one of the other two City Council members is unable to serve due to scheduling concerns or a conflict of interest. City Council members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City Council. Public members shall be appointed by a majority of the Council and serve two-year staggered terms, ending on the last day of December. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to. [Ord. 333 § 1, 2015.]

8.10.270 Appeal hearing – Administrative citations and notice and order.

(1) Payment of Appeal Fee. Any person, corporation, or entity seeking to appeal an administrative citation shall submit an advance deposit of the fine(s). No appeal request is valid unless accompanied by the advance deposit of the fine(s) or a City hardship. If it is determined that the administrative citation was not warranted or the responsibility of the citant(s) the advance deposit of the fine shall be returned.

Any person, corporation, or entity seeking to appeal a notice and order shall be required to pay to the City, at the time the appeal is requested (within 21 days from the date of the notice and order), a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

(a) Hardship Waiver. The appealing party shall complete and request a waiver on a form provided by the City. If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee or the advance deposit of an administrative citation fine would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee or the advance deposit of any fine(s). The City Manager's determination is not appealable and shall be final as to the hardship waiver request. If the City determines not to approve a request for a waiver, the appealing party must remit the appeal fee or advance deposit to the City within 10 days of the date of that decision or 30 days from the date of the administrative citation, whichever is later. If you do not do so you will not be entitled to a hearing.

(2) Hearing Committee. The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee shall consist of two members of the City Council, two members of the public who are residents of the City and the City Manager, plus one alternate City Council member to facilitate timely hearings pursuant to this chapter and resolve any potential conflicts of interest. The alternate City Council member shall only participate in appeals where one of the other two City Council members is unable to serve due to scheduling concerns or a conflict of interest. City Council members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City Council. Public members shall be appointed by a majority of the Council and serve two-year staggered terms, ending on the last day of December. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to.

(3) Setting Appeal Hearing. The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than 15 days and not more than 30 days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least 10 days before the date set for hearing.

(4) Conduct of Appeal Hearing.

(a) Testimony at the Hearing. At the time set for the appeal hearing, the Hearing Committee shall proceed to hear testimony from the representative of the City, the appellant, and any other competent persons with respect to the determination of a violation and nuisance or the imposition of an administrative penalty.

(b) Record of Oral Evidence at Hearing. The proceedings at the hearing shall be reported by a tape recording, or video recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.

(c) Continuances. The Hearing Committee may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the City, grant continuances from time to time for extreme or unusual cause shown, or upon the Hearing Committee's own motion.

(d) Oaths – Certification. The City Clerk or certified shorthand reporter shall administer the oath or affirmation.

(e) Evidence Rules. Government Code Section 11513, subsections (a), (b), and (c) shall apply to all administrative hearings. At the Hearing Committee's sole discretion, other relevant evidence may be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.

(f) Burden of Proof. The accuracy of an administrative citation and the accuracy of a notice and order containing the description of the violations and/or public nuisance and the actions required

to abate such nuisance or violation is deemed a rebuttable presumption and the burden is on the appellant to provide such facts and information to overcome such presumption by a preponderance of the evidence.

(g) Rights of Parties.

(i) Each party shall have the following rights among others:

- (A) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (B) To introduce documentary and physical evidence;
- (C) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- (D) To impeach any witness regardless of which party first called that witness to testify;
- (E) To rebut the evidence against him or her;
- (F) To represent himself or herself or to be represented by anyone of his or her choice.

(ii) If a party does not proficiently speak or understand the English language, that party may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have been a resident of the premises or have had any personal relationship with or involvement in the parties or issues of the case prior to the hearing.

(h) Official Notice. In reaching a decision, the Hearing Committee may take official notice, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this State or which may appear in any of the official records of the City or County, or any of their departments.

(i) Inspection of the Premises.

(i) The hearing officer may inspect the premises involved in the hearing prior to, during, or after the hearing; provided, that:

- (A) Notice of such inspection shall be given to the parties before the inspection is made;
- (B) The parties consent and are given an opportunity to be present during the inspection; and
- (C) The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom.

(ii) Each party shall then have a right to rebut or explain the matters so stated by the hearing officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(iii) Notice to the parties or the owner(s)' consent to inspect the building and surrounding properties is not required if the property can be inspected from areas in which the general public has access or with permission of the other persons authorized to provide access to the property on which the building is located.

(5) Form and Contents of the Decision – Finality of Decision.

(a) Format of Hearing Committee's Decision. The Hearing Committee shall issue a written decision containing findings of fact and a determination of the issues presented. The Hearing Committee may affirm, modify or reverse the administrative citation, notice of violation or the notice and order imposed by the City or find that the imposition of the penalty is not warranted or is not in the interest of justice.

(b) Contents of Hearing Committee's Decision. If it is shown by a preponderance of all the evidence that the condition of the premises constitutes a violation of the Rio Dell Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than 10 calendar days after the issuance of the decision or, if 10 calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Committee not to exceed 60 days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by the department head and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.

(c) Service of the Hearing Committee's Decision. Upon issuance of the decision, the City shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The Hearing Committee's decision shall be deemed served three days after the date it is mailed to the address provided by the appellant.

(d) Finality of Hearing Committee's Decision. The decision of the Hearing Committee on an appeal of an administrative citation, notice of violation and/or a notice and order shall constitute the final administrative decision of the City and shall not be appealable to the City Council or any committee or commission of the City. [Ord. 330 § 1, 2014; Ord. 329 § 1, 2014; Ord. 311 § 1, 2013; Ord. 303 § 2, 2013. Formerly 8.10.170.]